

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DOUGLAS EL

Plaintiff

v.

**SOUTHEASTERN PENNSYLVANIA
TRANSPORTATION AUTHORITY**

Defendant

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**CIVIL ACTION
No. 02CV3591**

ORDER

AND NOW on this ____ day of _____, 2004, upon consideration of Plaintiff's Motion to Compel Allstate Transportation, Inc. to comply with Plaintiff's Subpoena and Allstate Transportation, Inc.'s response thereto, it is hereby **ORDERED** and **DECREED** that Plaintiff's Motion to Compel is **DENIED**.

BY THE COURT:

THE HONORABLE J. CURTIS JOYNER
United States Magistrate Judge

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**CIVIL ACTION
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**ANSWER OF ALLSTATE TRANSPORTATION, INC.'S TO PLAINTIFF'S MOTION
TO COMPEL ALLSTATE TRANSPORTATION, INC TO COMPLY WITH
PLAINTIFF'S SUBPOENA**

Allstate Transportation, Inc. (hereinafter "Allstate Transportation") hereby responds to Plaintiff's Motion to Compel Allstate Transportation, Inc. to Comply with Plaintiff's Subpoena as follows:

1-11. Denied. By way of further explanation, Plaintiff's Motion must be denied as Moot because a search for the records requested by subpoena revealed that the records do not exist. A true and correct copy of documentation in support thereof is attached hereto as **Exhibit "A"**.

WHEREFORE, Allstate Transportation, Inc. respectfully request this Honorable Court to Deny Plaintiff's Motion to Compel Allstate Transportation, Inc. to Comply with Plaintiff's Subpoena as Moot.

DAVID L. WOLOSHIN, P.C.

**BY: _____
Jeffrey B. Killino, Esquire
Attorney for Allstate Transportation, Inc.**

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**CIVIL ACTION
No. 02CV3591**

**BRIEF IN OPPOSITION TO PLAINTIFF’S MOTION TO COMPEL ALLSTATE
TRANSPORTATION, INC. TO COMPLY WITH PLAINTIFF’S SUBPOENA**

Allstate Transportation, Inc. (hereinafter “Allstate Transportation”) by and through the undersigned counsel hereby submits their Brief in Opposition to Plaintiff’s Motion to Compel Allstate Transportation, Inc. to Comply with Plaintiff’s Subpoena as follows:

ARGUMENT

Plaintiff’s Motion must be denied as Moot because a search for the records requested by subpoena revealed that the records do not exist. A true and correct copy of documentation in support thereof is attached hereto as **Exhibit “A”**.

CONCLUSION

WHEREFORE, any and all the foregoing reasons, Allstate Transportation, Inc. respectfully request this Honorable Court Deny Plaintiff’s Motion to Compel Allstate Transportation, Inc. to Comply with Plaintiff’s Subpoena as Moot.

DAVID L. WOLOSHIN, P.C.

BY: _____

**Jeffrey B. Killino, Esquire
Attorney for Allstate Transportation, Inc.**

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CERTIFICATION OF SERVICE

I hereby certify that service of a true and correct copy of the enclosed Allstate Transportation, Inc.'s Answer to Plaintiff's Motion to Compel Allstate Transportation, Inc. to Comply with Plaintiff's Subpoena was made on February 20, 2004 to counsel below named by United States Mail, Postage Pre-paid.

Robert J. Haurin, Esquire
Saul H. Krenzel and Associates
The Robinson Building, Suite 800
42 S. 15th Street
Philadelphia, PA 19102

Wayne A. Ely, Esquire
Timothy M. Kolman & Associates
The Shoppes at Flowers Mill
225 Flowers Mill Road
Langhorne, PA 19047

JEFFREY B. KILLINO, ESQUIRE